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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

10 BOOTZ INC.,	CASE NO. CV 12-10311 UA (DUTYx)
11 Plaintiff,	
12 vs.	ORDER SUMMARILY REMANDING
13 SHERMAN LEE, Does 1 through 10,	IMPROPERLY-REMOVED ACTION
14 Defendants.	

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16   The Court will remand this unlawful detainer action to state court summarily

17 because Defendant removed it improperly.

18   On December 3, 2012, Defendant, having been sued in what appears to be an

19 action to quiet title in California state court, lodged a Motion for Removal of that action

20 to this Court and also presented an application to proceed *in forma pauperis*. The

21 Court has denied the latter application under separate cover because the action was

22 not properly removed. To prevent the action from remaining in jurisdictional limbo, the

23 Court issues this Order to remand the action to state court.

24   Simply stated, Plaintiff could not have brought this action in federal court in the

25 first place, in that the complaint does not competently allege facts supplying either

26 diversity or federal-question jurisdiction, and therefore removal is improper. 28

27 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563,

28 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Defendants' notice of removal asserts that

1 | federal question jurisdiction exists. (Motion at 4-6). However, the underlying action to

2 | quiet title does not raise any federal legal question.

3 | Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the

4 | Superior Court of California, Los Angeles County, Mosk Courthouse, 111 North Hill

5 | Street, Los Angeles, California, 90012, for lack of subject matter jurisdiction pursuant

6 | to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the

7 | state court; and (3) that the Clerk serve copies of this Order on the parties.

8 | IT IS SO ORDERED.

9 | DATED: ___12/10/12___

10 | _____

11 | GEORGE H. KING

            Chief United States District Judge